THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.15811 & 15812 of 2007

Dated:07.08.2007

WP No.15811 of 2007

Between

N.Meeramma

..Petitioner

and

1.The Executive director
The Nellore District Scheduled
Caste Service Cooperative
Society, Nellore and another.

..Respondents

WP No.15812 of 2007

Between

P.Rajeswari

…..Petitioner

and

1.The Executive Director,
The Nellore District Scheduled
Caste Service Cooeprative
Society, Nellore and another.

…Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.15811 & 15812 of 2007

COMMON ORDER

These two writ petitions have been filed being aggrieved by a docket order dated 14.6.2002 whereunder petitions filed under Section 2-A (2) of the Industrial Disputes Act, 1947 (for short 'the Act') by the petitioners were returned stating as to how the petitions are maintainable under Section 2-A (2) of the Act.

It appears that the petitioners in these two writ petitions were parties to the earlier proceedings, which were concluded before the Apex Court in Civil Appeal Nos.5686-5690 of 2001 dated 15.1.2003 whereunder it was held as under

> "The appellant has not produced either the order passed by the primary authority or by the appellate authority or by the

> second appellate authority. Hence, it is not possible to decide the larger issue. We do not also find it necessary to consider the question whether appellant is a commercial establishment or not especially when three of the contesting respondents have already approached Labour Court. So, leaving the question open as to whether the appellant is a commercial establishment coming under the Shops & Establishments Act, the appeals are dismissed."

Pursuant to the same, the petitioners made applications under Section 2-A (2) of the Act, which were returned as stated above.

In view of the observations made by the Apex Court, the petitioners are entitled to maintain the petitions under Section 2-A (2) of the Act. Therefore, the Labour Court is directed to entertain the petitions under Section 2-A (2) of the Act and dispose of the same within a period of six months from the date of receipt of a copy of this order, as per law. It is always open for the Labour Court to frame any such issues as are required to be decided in the ID.

With the above observation, the writ petition are

allowed. No costs.

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06-08-2007

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